

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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April 24, 2003

Memo To Counsel Re: Vector Tobacco Ltd, et al. v. Liberty Brands, LLC, et al.
Civil No. JFM-03-415

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendants' motion to dismiss.

The motion is denied. I am satisfied (1) plaintiffs' allegation of the ownership of the KNIGHTS trademark and trade dress are sufficient to meet the requirements of notice pleading (although the allegations of the chain of ownership are not complete and may be inaccurate in some respects), and (2) the allegations of individual misconduct by defendants Garner and Miser are sufficient to support the averment of personal jurisdiction over them. Facts relating to the chain of ownership and whether Garner and Miser in fact, engaged in individual misconduct can be explored through discovery.

As to defendants' contention that this court should not exercise supplemental jurisdiction over the other claims, defendants have set forth no persuasive reasoning in support of their position. Indeed, their argument that this court should decline to exercise supplemental jurisdiction over the claims asserted in counts VII and VIII solely because those claims arise under the law of Virginia and not Maryland borders on the frivolous. Whether or not ultimately this court should exercise supplemental jurisdiction over the non-federal claims can be determined at a later stage of these proceedings.

A scheduling conference will be held at 8:30 a.m. on May 8, 2003. Please bring your calendar with you to the conference. If any of you would prefer to hold the conference by conference call, please call my chambers to make the necessary arrangements.

The conference will be held in my chambers located in Room 510 on the fifth floor of the Courthouse.

Finally, I have enclosed for each of you copies of this court's form scheduling order and of an article I have written entitled "Limiting Deposition Hours - Its Method and Rationale." Please review these materials and confer with one another prior to the May 8th scheduling conference to ascertain whether you can agree upon a proposed schedule and a limitation on the number of deposition hours of fact witnesses. Written discovery should begin before the scheduling conference.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge